

FORMALITIES LETTER



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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/577,798	05/24/2000	Dwight Allen Merriman	11032/5

Gerard A Messina
Kenyon & Kenyon
One Broadway
New York, NY 10004-1050

Date Mailed: 06/27/2000

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

Filing Date Granted

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing: Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).
- The balance due by applicant is \$ 130.

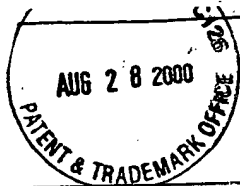
*A copy of this notice **MUST** be returned with the reply.*Customer Service Center
Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF REISSUE APPLICATION --
FILING DATE GRANTED**

Docket Number:
11032/25

Reissue Applicant
Dwight Allen MERRIMAN
et al

Reissue Application No.
09/577,798

Reissue Filing Date
May 24, 2000

Reissue of Patent Number
5,948,061

Issued
September 7, 1999 10/18/99

Examiner

Art Unit
2757

Invention Title
METHOD OF DELIVERY, TARGETING, AND
MEASURING ADVERTISING OVER NETWORKS

Assignee
DoubleClick, Inc.

Address to:
Assistant Commissioner for Patents
Box: Missing Parts
Washington D.C. 20231

Thereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

Date:

8/25/00

Reg. No.

35,952

Signature:

D. A. Merriman

To complete the filing requirements for the above-referenced application under 37 C.F.R. § 1.51, the following documents are enclosed:

Reissue Application Declaration

Assignee's Assent

Offer to Surrender Patent

Power of Attorney by Assignee

Certificate Under 37 C.F.R. 3.73(b)

Notification Regarding Litigation

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A copy of the Notice to File Missing Parts of Reissue Application mailed June 27, 2000 is enclosed.

1. The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.16(e) surcharge fee of \$130.00 to the deposit account of **Kenyon & Kenyon**, deposit account number 11-0600.

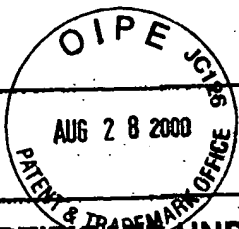
2. The Commissioner is also authorized to charge any additional fees or credit any overpayment to the deposit account of Kenyon & Kenyon, Deposit Account No. 11-0600.
3. A duplicate copy of this Response is enclosed.

Dated: 8/25/00

By: Gerard A. Messina
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON
One Broadway
New York, N.Y. 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)

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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 C.F.R. 3.73(b)

Docket Number:
11032/5

Reissue Applicant
Dwight Allen MERRIMAN
et al

Reissue Application No.
09/577,798

Reissue Filing Date
May 24, 2000

Patent Number
5,948,061

Issued
September 7, 1999

Examiner

Art Unit
2757

Invention Title
**METHOD OF DELIVERY, TARGETING, AND
MEASURING ADVERTISING OVER NETWORKS**

Assignee
DoubleClick Inc.

Address to:
Assistant Commissioner for Patents
Washington D.C. 20231

DoubleClick Inc., a company having a place of business at 450 West 33rd Street, New York, NY 10001, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent identified above. The assignment from Dwight Allen Merriman and Kevin Joseph O'Connor to DoubleClick Inc. was recorded in the Patent and Trademark Office on February 3, 1997 at Reel 8357, Frame 0650.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

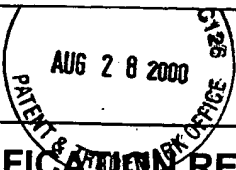
I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DOUBLECLICK INC.

Date: August 17, 2000

Elizabeth Wang
Name: ELIZABETH WANG
Title: VP & General Counsel

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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

NOTIFICATION REGARDING LITIGATION

Docket Number:
11032/25

Reissue Applicant
Dwight Allen MERRIMAN
et al

Reissue Application No.
09/577,798

Reissue Filing Date
May 24, 2000

Patent Number
5,948,061

Issued
September 7, 1999

Examiner

Art Unit
2757

Invention Title
METHOD OF DELIVERY, TARGETING, AND
MEASURING ADVERTISING OVER NETWORKS

Assignee
DoubleClick, Inc.

The Examiner's attention is directed to the following concurrent litigations involving the above-identified U.S. Patent No. 5,948,061:

DoubleClick, Inc. v. L90, Inc., Civil Action No. 2:99-1914, E.D. Va.

DoubleClick, Inc. v. Sabela Media, Inc., Civil Action No. 1:99-11781, S.D.N.Y.

Presently, these two litigations have been consolidated under Civil Action Nos. 1:99-11781 and 1:00-2690 in the Southern District of New York. These litigations have been stayed pending completion of the reissuance proceedings, except for the defendants' inequitable conduct counterclaims.

Copies of the following documents connected to DoubleClick's litigations against L90, Inc. and Sabela Media, Inc. are enclosed:

2u SUMMONS IN A CIVIL CASE, DoubleClick Inc. v. L90, Inc., Case Number 2:99-1914, District of Virginia;

8u COMPLAINT FOR PATENT INFRINGEMENT, DoubleClick Inc. v. L90, Inc., Case Number 2:99-1914, District of Virginia, dated November 12, 1999;

2u SUMMONS IN A CIVIL CASE, DoubleClick Inc. v. Sabela Media, Inc., 99 CIV. 1178, Southern District of New York;

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COMPLAINT AND JURY DEMAND, DoubleClick Inc. v. Sabela media, Inc.,
99 CIV. 1178, Southern District of New York, dated December 3, 1999;

ANSWER AND COUNTERCLAIM OF DEFENDANT L90, INC.; dated January
4, 2000;

DEFENDANT L90, INC.'S ANSWERS TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES, dated January 18, 2000;

PLAINTIFF DOUBLECLICK'S RESPONSE TO DEFENDANT L90'S
ANSWER AND COUNTERCLAIM, dated January 18, 2000;

PLAINTIFF DOUBLECLICK, INC.'S OBJECTIONS AND RESPONSES TO
DEFENDANT L90, INC.'S FIRST SET OF INTERROGATORIES (1-21), dated January
24, 2000, with Exhibits A and B;

PLAINTIFF DOUBLECLICK, INC.'S RESPONSES AND OBJECTIONS TO
DEFENDANT L90'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, dated
January 24, 2000;

ANSWER AND COUNTERCLAIM OF SABELA MEDIA, INC., dated January
28, 2000;

SABELA'S OBJECTIONS AND RESPONSES TO DOUBLECLICK'S FIRST
SET OF INTERROGATORIES TO DEFENDANT, dated February 1, 2000;

DEFENDANT L90, INC.'S SUPPLEMENTAL RESPONSES TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES, dated February 9, 2000;

PLAINTIFF DOUBLECLICK INC.'S RESPONSES TO DEFENDANT
SABELA INC.'S FIRST SET OF INTERROGATORIES, dated March 2, 2000;

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PLAINTIFF DOUBLECLICK'S RESPONSES AND OBJECTIONS TO
SABELA'S FIRST REQUEST FOR DOCUMENTS AND THINGS, dated March 2,
2000;

PLAINTIFF DOUBLECLICK INC.'S CLAIM CHART, dated March 17, 2000;

SABELA'S CLAIM CONSTRUCTION CHART, dated April 14, 2000;

FIRST AMENDED ANSWER AND COUNTERCLAIM OF DEFENDANT L90,
INC., dated May 12, 2000;

DEFENDANT L90 INC.'S CLAIM CONSTRUCTION CHART, dated May 12,
2000;

AMENDED ANSWER AND COUNTERCLAIMS OF SABELA MEDIA, INC.,
dated May 17, 2000;

NOTICE OF MOTION TO STAY PENDING REISSUE PROCEEDINGS
BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated May 26, 2000, with
accompanying DECLARATION OF CHARLES L. KERR IN SUPPORT OF
PLAINTIFF DOUBLECLICK INC.'S MOTION TO STAY PENDING REISSUE
PROCEEDINGS BEFORE THE U.S. PATENT OFFICE, date May 26, 2000, with
Exhibits A-C;

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF DOUBLECLICK
INC.'S MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S.
PATENT AND TRADEMARK OFFICE, dated May 26, 2000;

DECLARATION OF JOHN M. CALLAGHAN IN SUPPORT OF DEFENDANT
L90'S MOTION TO STAY, dated June 10, 2000, with Exhibits A-H attached;

DEFENDANT L90, INC.'S OPPOSITION TO PLAINTIFF DOUBLECLICK
INC.'S MOTION TO STAY PENDING PROCEEDINGS BEFORE THE U.S. PATENT
AND TRADEMARK OFFICE, dated June 12, 2000, with Exhibits A-D;

MEMORANDUM IN PARTIAL OPPOSITION TO PLAINTIFF'S MOTION TO
STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT AND
TRADEMARK OFFICE, dated June 12, 2000;

DECLARATION OF JAMES S. BLANK, date June 12, 2000, with Exhibits 1-12;

PLAINTIFF DOUBLECLICK'S RESPONSE TO DEFENDANT L90'S FIRST
AMENDED ANSWER AND COUNTERCLAIM, dated June 15, 2000;

PLAINTIFF DOUBLECLICK'S RESPONSE TO DEFENDANT SABELA
MEDIA INC.'S FIRST AMENDED ANSWER AND COUNTERCLAIM, dated June 15,
2000;

REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF PLAINTIFF
DOUBLECLICK INC.'S MOTION TO STAY PENDING REISSUE PROCEEDINGS
BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated June 19, 2000;

ORDER of Judge Cote, Southern District of New York, granting a partial stay
pending completion of reissuance proceedings, dated July 24, 2000.

Dated: 8/25/00

By: Gerard A. Messina
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON
One Broadway
New York, N.Y. 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)

8/25/00
10/15/00

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